

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|-------------|-----------------------------|---|
| Applicant:  | Pisutha-Arnond et al.       | ) |
|             |                             | ) |
| For:        | Message Alert System and    | ) |
|             | Method of Providing Message | ) |
|             | Notification                | ) |
|             |                             | ) |
| Serial No.: | 09/504,135                  | ) |
|             |                             | ) |
| Filed:      | February 15, 2000           | ) |
|             |                             | ) |
| Examiner:   | West, L.                    | ) |
|             |                             | ) |
| Art Unit:   | 2618                        | ) |

**Pre-Appeal Brief Request for Review**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request review of the final rejection in the above-identified application. No amendments are being filed with this request. The present request is being filed in conjunction with a notice of appeal. The review is being requested for the reasons stated below, which frames the issue to be considered as part of the pre-appeal review process.

The Examiner continues to reject claims 35, 37-42 and 44-48, under 35 U.S.C. §102(b), as being anticipated by Ichikawa et al., US Patent No. 4,626,842, and the Examiner's newly cited basis for rejection. However contrary to the Examiner's assertions, even the newly cited basis for rejection fails to make known or obvious each and every feature of the claims, where most recently the Examiner attempts to rely upon the addressing of a message as being equivalent to a determination of message type. Presumably, the applicants' previously noted distinctions were found to be persuasive, thereby resulting in the Examiner's search for alternative grounds for rejection.

However, the most recent attempt at articulating an equivalent teaching for the claimed determination based upon message type fails to make known or obvious the same. The most

recent alleged distinction does not refer to the type of message, but alternatively relates to the intended recipient of the message. If one is not the intended recipient of the message, then one does not receive the message as provided in connection with first routine (claim 35) or the claimed step of receiving a message comprising information (claim 42). A type of message does not change based upon the intended recipient. Alternatively, the identified recipient affects the routing and the receipt of the message.

Interestingly, even the reference treats the message frames (I) as being separate from the subscriber's address frame (N), when discussing the data structure of the paging channel (see FIGs. 2a, 2b and 2c, and col. 2, lines 47-50). Correspondingly, as one skilled in the art would be led to understand from the teachings of the cited reference, the type of message would be distinct from any attempted categorization or classification relative to the subscriber's address. As a result, an attempt to equate the manner in which the message is addressed as making known or obvious the claimed feature of a message type (i.e. type of message) and any determination based thereupon can not be supported in view of the teachings reasonably attributable to the relied upon reference. Consequently, the Examiner's final rejection of the claims, based upon the most recent basis for rejection should be set aside and/or withdrawn.

To the extent that claims 37-41, and 44-48 are dependent upon independent claims 35 and 42, which have been shown to be neither anticipated, nor made obvious in view of the cited reference, they similarly would neither be anticipated, nor made obvious.

In view of the above remarks, the applicants would respectfully request that the Examiner's final rejection of the claims be withdrawn, as failing to make known or obvious each and every feature of the claims.

Respectfully submitted,

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